

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52653

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, ) Filed: February 6, 2026  
 )  
 v. ) Melanie Gagnepain, Clerk  
 )  
 CARLOS MICHAEL ORTEGA, ) THIS IS AN UNPUBLISHED  
 ) OPINION AND SHALL NOT  
 ) BE CITED AS AUTHORITY  
 Defendant-Appellant. )  
 )  
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Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Bruce L. Pickett and Joel E. Tingey, District Judges.

Judgment of conviction and unified sentence of seven and one-half years, with a minimum period of confinement of two and one-half years, for felony injury to a child, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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Before TRIBE, Chief Judge; GRATTON, Judge;  
and HUSKEY, Judge

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PER CURIAM

Carlos Michael Ortega pled guilty to an amended charge of felony injury to a child, Idaho Code § 18-1501(1). The district court sentenced Ortega to a unified term of ten years, with a minimum period of confinement of five years. Ortega filed an Idaho Criminal Rule 35 motion, which the district court granted. The district court reduced Ortega’s sentence to a unified term of seven and one-half years, with a minimum period of confinement of two and one-half years. Ortega appeals, arguing that the district court abused its discretion by declining to retain jurisdiction or place him on probation.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Our role is limited to determining whether reasonable minds could reach the same conclusion as the district court. *State v. Biggs*, 168 Idaho 112, 116, 480 P.3d 150, 154 (Ct. App. 2020).

The primary purpose of a district court retaining jurisdiction is to enable the court to obtain additional information regarding whether the defendant has sufficient rehabilitative potential and is suitable for probation. *State v. Jones*, 141 Idaho 673, 677, 115 P.3d 764, 768 (Ct. App. 2005). Probation is the ultimate goal of retained jurisdiction. *Id.* There can be no abuse of discretion in declining to retain jurisdiction if the district court has sufficient evidence before it to conclude that the defendant is not a suitable candidate for probation. *Id.* The goal of probation is to foster the probationer's rehabilitation while protecting public safety. *State v. Cheatham*, 159 Idaho 856, 858, 367 P.3d 251, 253 (Ct. App. 2016). A decision to deny probation will not be deemed an abuse of discretion if it is consistent with the criteria articulated in I.C. § 19-2521. The record in this case shows that the district court properly considered the information before it and determined that probation and/or retaining jurisdiction was not appropriate.

Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion. Therefore, Ortega's judgment of conviction and sentence are affirmed.